

Appeal Decision

Site Visit made on 17 August 2021

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: Friday 1 October 2021

Appeal Ref: APP/F2415/W/21/3274068

Eightacres, 54 Main Street, Medbourne, Market Harborough LE16 8DT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs D Driver against the decision of Harborough District Council.
 - The application Ref 20/01888/FUL, dated 25 November 2020, was refused by notice dated 5 February 2021.
 - The development proposed is change of use of land for the siting of and extension to a horse transporter to form accommodation ancillary to the residential property, Eightacres, 54 Main Street, Medbourne.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of land for the siting of and extension to a horse transporter to form accommodation ancillary to the residential property at Eightacres, 54 Main Street, Medbourne, Market Harborough LE16 8DT in accordance with the terms of the application, Ref 20/01888/FUL, dated 25 November 2020, and plans numbered 20/019.1; 20/019.2 and 20/019.3 submitted with it, and subject to the following conditions:
 - 1) The development hereby permitted shall be for a limited period being the period of two years from the date of this decision. The accommodation hereby permitted shall be removed and the land restored to its former condition on or before the expiry of the two year period in accordance with a scheme of work that shall first have been submitted to and approved in writing by the local planning authority.
 - 2) The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Eightacres.

Preliminary Matters

2. The horse transporter has been placed on site and is already occupied. I have therefore considered the appeal on a retrospective basis.
3. The description of development used above differs from that given on the application form, but is as given on the Council's publicity of the application, its decision notice, the appeal form and the appellants' statement of case. I have therefore taken this as the relevant description.
4. The revised National Planning Policy Framework (the Framework) was published on 20 July 2021. The main parties have been provided with the opportunity to comment on this revision to the Framework.

Main Issues

5. The main issues are i) whether the proposal represents a suitable location for residential accommodation; ii) the effect of the proposal on the character and appearance of the area, and iii) whether material considerations exist that would outweigh any development plan conflict identified so as to justify a grant of planning permission.

Reasons

Location for development

6. The proposal relates to a large horse transporter vehicle which has been placed within a small paddock area next to the appeal dwelling, Eightacres. It has been subject to conversion to form residential accommodation. This includes a timber-clad wraparound extension to the rear and side and other minor installations.
7. The transporter is located on land indicated to be agricultural land falling outside of the original residential curtilage of the appeal site when planning permission was granted in 2002, but which the Council concedes has formed part of the residential curtilage for a period exceeding 10 years and is thus immune from enforcement action. I saw this area to comprise a small orchard with a chicken run and a number of sheds. Beyond this area are agricultural fields to the side and rear.
8. The location of the transporter lies next to, but outside of, the limits to development of Medbourne, and therefore in the countryside for planning purposes. Medbourne is classed as a Selected Rural Village under the Harborough Local Plan (April 2019) (the HLP). The Council relies on Policy GD4 of the Local Plan which relates to new housing in the countryside. The policy permits residential development only where it is in accordance with Policy GD2, or where it is for certain categories of development. Whilst the appellants have advanced that a personal need exists in terms of providing care for family members, the proposal does not constitute local need housing under criterion (a) or rural worker's housing under criterion (b). None of the other criteria are applicable to the proposal, nor would the development meet with the requirements of Policy H2 of the Medbourne Neighbourhood Plan (July 2018) (the MNP) which also addresses proposals beyond the limits to development.
9. There is some tension between Policies GD2 and GD4 of the HLP and Policy H2 of the MNP as the latter does not include the same criteria where development outside the limits to development will be permitted. As the HLP is the more recently adopted document, and provides a more balanced approach to development in the countryside in line with that of the Framework, I afford its policies greater weight.
10. Policy GD2 sets out the settlement strategy for the district. At point 2, the policy permits development adjoining the existing or committed built-up area of certain settlements, including Selected Rural Villages, provided it does not disproportionately exceed the settlement's minimum housing requirement in Policy H1. I am not advised of the housing requirement for Medbourne, or the number of dwellings already provided or permitted. However, notwithstanding this or the appellants' view that the transporter would not be a separate

dwelling, if I were to consider it as such, an increase of one is unlikely to represent a disproportionate increase in housing within the village.

11. The proposal would be small scale and would meet with criterion (d) of Policy GD2 and is located immediately adjacent to the built-up area, which also extends further to the north along Main Street. Subject to matters of character and appearance being acceptable, which I address below, the location of the development is capable of according with the overall settlement strategy under Policies GD2 and GD4 of the HLP, although there would still be conflict with Policy H2 of the MNP.

Character and Appearance

12. The transporter is a somewhat crude hybrid of vehicle and structure. From the front, it still appears as a vehicle, albeit with a chipboard panelling attached to its side. From the rear, it appears as a timber-clad garden building on stilts. The western side did not look finished with what appeared to be insulation panels exposed and no external finish applied. The structure added to the transporter appeared to me to be substantial in construction and attached to the ground, such that the overall building appeared a permanent structure.
13. The Council argues that the structure is visible in the landscape from points to the west, including public footpaths leading from the playing fields, and from Hallaton Road. However, I viewed from these vantage points and saw that the transporter was largely concealed from view by the orchard trees and intervening buildings. The views are also from some distance, from where any sight of the transporter would be a glimpse at best. Moreover, this glimpse would be of part of a horse transporter, a sight not uncommon to the area. Indeed, I saw another horse transporter parked at a nearby livery in the same view from the public footpath to the west.
14. The structure as built has a makeshift appearance and lacks aesthetic merit. However, it is located in a relatively discreet position, screened by the appellants' other buildings and trees and has limited effect on the wider landscape character of the area as a result. Nor, given its discreet position, would it cause demonstrable harm to the setting of the Medbourne Conservation Area (MCA), the boundary of which passes between the main dwelling and the appeal structure and which extends to encompass most of the village, and whose significance derives from the historic stone cottages and organic layout evoking a long history of settlement and development within a rural setting. However, its form, scale and materials bear no relation to Eightacres or the other dwellings within the cul-de-sac off Main Street, and if permitted as a permanent residential building, it would form an incongruous extension of the built form which would be harmful to the immediate character and appearance of the area.
15. Overall, I find that the appeal scheme is not harmful to the wider landscape or the setting of the MCA but would cause harm to the character and appearance of the immediate surroundings if allowed to remain as a permanent structure, contrary to the aims of Policies GD4, GD5 and GD8 of the HLP to secure high quality design and ensure development respects and, where possible, enhances the local landscape. There would also be consequent conflict with Policy GD2.

Other Material Considerations

16. The transporter is occupied by the appellants' daughter and it is indicated that it is needed to enable her to provide care for her elderly parents who reside in the main dwelling. I have limited details of the specific care needs arising in this case, but equally I have no firm evidence to dispute that a need of some form exists. Whilst this does not demonstrate an essential need for a separate dwelling on the site, I nevertheless afford weight to the personal need advanced in this case.
17. The transporter is described by the appellants as ancillary accommodation to the main house, but the Council points to it having all of the necessary facilities for day-to-day living and that it is capable of being occupied as a separate dwelling. The Council also points to space being available within the main dwelling, albeit if a number of internal adjustments were made. However, no plans for this are before me and I agree with the appellants' point that this would not provide sufficient privacy for all family members. I also have no evidence of other living arrangements for the appellants' daughter.
18. The main parties, and the Parish Council, have referred to the possibility of a temporary permission for a period of two years. It is indicated this would allow the necessary care to be given and the continued need for the transporter to be reviewed after the two year period. I agree that the siting of the transporter on the land for a relatively short period of time would limit the degree of harm caused.

Planning Balance

19. I have found that the transporter would not complement the character and appearance of the area, and would be located in the open countryside, contrary to the settlement strategy for the district. As a result, it would be contrary to the development plan, taken as a whole.
20. However, the appellants have indicated that a temporary permission would be acceptable, which would limit the degree of harm that would be caused to the character and appearance of the area and the settlement strategy. Together with the personal need arising for a family member to provide care for the appellants, these are material considerations which I find are sufficient to outweigh the conflict with the development plan, and indicate the appeal should be allowed on a temporary basis.

Conditions

21. It is necessary for the development to be for a temporary period of two years, for the reasons set out above. I have also required that the transporter is only occupied on an ancillary basis to the main dwelling, as the proposal has been justified on the basis of a specific personal need.

Conclusion

22. I conclude that the appeal should be allowed in the terms set out above.

K Savage

INSPECTOR